HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE G.V.SEETHAPATHY

WRIT APPEAL NO.792 OF 2006

Between:

Burla Gopal Reddy and another

. . .Appellants

AND

The District Collector, Nellore and others

. . .Respondents

Counsel for the appellants : Shri S.V.Muni Reddy

Counsel for the respondent Nos.1&2 : Government Pleader for Revenue

Counsel for the respondent No.3 : None

Dated: 27th July, 2006

: JUDGMENT :

PER G.S.SINGHVI, CJ

This is an appeal for setting aside order dated 7-7-2006 whereby the learned Single Judge dismissed the writ petition filed by the appellants for quashing order dated 24.06.2006 passed by Mandal Revenue Officer, Vakadu (for short 'Mandal Revenue Officer') requiring the appellants to stop aquaculture in their patta lands and obtain prior permission from the competent authority.

Shri S.V.Muni Reddy, learned counsel for the appellants says that in view of the judgment of the Division Bench in **Madiraju Padma Rambabu v. District Forest Officer, Kakinada**[1], he cannot contest the legal position that his clients could not have undertaken prawn culture without obtaining prior permission, but submitted that the Court may grant them permission to lift the produce of the seeds already sown because his clients were not aware of the requirement of obtaining prior permission as laid down by the High Court. He further submitted that if the appellants had been given notice, they would have taken steps to obtain permission from the competent authority for undertaking aquaculture operation in the agricultural field, but on account of non-issuance of notice, they have been put to irreparable injury. In reply to the Court's query, Shri Muni Reddy stated that his clients will not undertake prawn culture/fish culture/aqua culture operation after 15-9-2006.

In our opinion, the request made by the learned counsel appears genuine, reasonable and merits acceptance. Hence, without disturbing the order under challenge, we direct the Mandal Revenue Officer

concerned to allow the appellants to harvest/lift the produce of seeds till 15-9-2006. This would be subject to the condition that within seven days from today, the appellants file a written undertaking before the Mandal Revenue Officer concerned that they will not undertake prawn culture/fish culture/aqua culture in their fields after 15-9-2006.

The appeal is disposed of in the manner indicated above. If the appellants are found to have violated the undertaking given before the Mandal Revenue Officer, then the same would be construed as a breach of undertaking given before this Court. In that event the Mandal Revenue Officer and other functionaries of the State shall necessarily initiate proceedings against them under the Contempt of Courts Act, 1971.

G.S.SINGHVI, CJ

G.V.SEETHAPATHY, J

Date: 27.07.2006

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[1] 2002(1) ALD 728 (D.B.)